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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,680	03/05/2002	Carl A. Gunter	53087-5009	8503

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EXAMINER

KLIMACH, PAULA W

ART UNIT PAPER NUMBER

2131

4

DATE MAILED: 06/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/090,680	GUNTER, CARL A.
	Examiner Paula W Klimach	Art Unit 2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 10 May 2002.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-5 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-5 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.  
 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.  
 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a)  The translation of the foreign language provisional application has been received.  
 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.  
 4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Method of Delegating Access Rights for Services on a Web Server.

### *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. **Claim1, 2, 3, 4, and 5** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claimed method and system can be carried out in software, software being non-statutory subject matter.

As per claim 1 and 5, a review of the specification discloses that the claimed invention is directed to non-statutory software in the form of software alone with no tangible elements. The web server that maintains a label service; that allows a first user to determine, using the label service, a label relating to the service; and that provides the label to the first user described from page 5 paragraph 38 to page 6 paragraph 38. The messaging system used to transmit the label to the second user via the messaging system, automatically storing the web server information based on a public key of the second user and the label are discussed on page 6 paragraph 38. The authentication system for authenticating the second user with respect to the public key of the second user and providing the user access to the service if the authentication produces a positive

result is disclosed on page 6 paragraph 39. The server, messaging and authentication system are software with no tangible elements involved.

Dependent claims 2, 3, and 4 add additional software elements or recite further details on the elements already recited in claim 1. Thus no statutory subject matter is added by these claims.

***Claim Rejections - 35 USC § 103***

3. **Claims 1, 3, 4, and 5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kyojima et al (US 2003/008884296 A1) in view of Theimer et al (56490999), Beller et al (5, 299,263), and Wright (2002/0016910 A1).

Kyojima discloses a system where secure access to a web server is conducted by authenticating a client using a challenge response system, page 3 paragraph 61.

Kyojima does not disclose a first user determining a label relating to the service on the web server, providing the label to the first user, transmitting the label to a second user via a messaging system, storing information based on a public key of the second user and label, authenticating the second user, and providing the second user access to the service if the authentication produces a positive result.

Theimer discloses a system for providing a first user access to a service on a server. Label service is not defined by applicant, therefore, the office will define label service to be "a service that is provided by the server." Theimer discloses the procedure used in a system for server S to provide a service to client I<sub>o</sub>, column 11 lines 25-37. The client I<sub>o</sub> creates an access control program that takes as parameters a caller, the operation being performed (label service). The operation being performed (label service) is related to the service on the server, column 11

lines 47-49. The label service is provided to the first user when the server indicates with true or false whether the operation is allowed, column 11 lines 49-51. The system then transmits the permission in the form of an access control program to the second user, column 11 lines 64 and 65. Theimer also discloses verifying the second user  $I_1$ , however Theimer does not disclose authenticating using a public key. Theimer discloses the transmission of the ACP, and therefore a messaging system, but does not disclose the type of messaging system. The Theimer system provides service to the  $I_1$  user after the user verification step produces a positive result, column 12 lines 0-16.

Beller discloses using public keys for authentication between a terminal and a server, summary.

Wright discloses a system where data is transmitted by electronic means and the type of means for transmitting electronic messages, hence a messaging system, page 3 paragraph 19.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the system for delegating rights as disclosed by Theimer for access control in the web server as disclosed by Kyojima using public key authentication as disclosed by Beller for the first and second user and transmitting the rights from the first user to the second user using a messaging system as disclosed by Wright. One of ordinary skill in the art would have been motivated to do this because a client program often required an intermediary to perform an operation on some server, Theimer column 1 lines 51-53. Public key authentication is used because it would foil eavesdropping, Beller column 2 lines 31-36. The delegation of rights would be transmitted by electronic means because it would enable deliveries the same day or some time thereafter of confidential documents, Wright page 1 paragraph 8.

In reference to claim 3, one of the options for transmitting using electronic messaging disclosed by Wright is electronic mail, page 3 paragraph 19.

In reference to claim 4 one of the options for transmitting using electronic messaging disclosed by Wright is instant messaging, page 3 paragraph 19.

4. **Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kyojima, Theimer, Beller, and Wright. as applied to claim 1 above, and further in view of the Microsoft Computer Dictionary.**

The Microsoft Computer Dictionary discloses the use of URL as being an address for a resource on the Internet, page 487.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use a URL as disclosed by the Microsoft Computer Dictionary to indicate the service provided by the web server disclosed by Kyojima. One of ordinary skill in the art would have been motivated to do this because the URL specifies the protocol to be used in accessing the resource, the name of the server on which the resource resides, and the path to a resource, Microsoft Computer Dictionary page 487.

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Theimer et al	56490999
Beller et al	5, 299,263
Sowinski et al	US 2001/0053247 A1
Wright	2002/0016910 A1
Microsoft	Microsoft Computer Dictionary

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula W Klimach whose telephone number is (703) 305-8421. The examiner can normally be reached on Mon to Fri 7:15 a.m to 3:45 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gail Hayes can be reached on (703) 305-9711. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-8421 for regular communications and (703) 305-8421 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4832.

PWK  
June 4, 2003

  
GAIL HAYES  
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